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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,624	03/12/2001	Glen McLean Harris	HARR-004	3168
7590	12/02/2004			
Michael S. Neustel Suite No. 4 2534 South University Drive Fargo, ND 58103			EXAMINER AU, SCOTT D	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,624

Applicant(s)

HARRIS ET AL.

Examiner

Scott Au

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7, 11 and 15-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7, 11 and 15-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

This communication is in response to applicant's response to an Amendment which is filed August 26, 2004.

An amendment to the claims 7, 11 and 15-37 have been entered and made of record in the Application of Harris et al. for a "Remote control multimedia content listing system" filed March 12, 2001. The new set claims 26-37 are introduced.

Claims 7, 11 and 15-37 are pending.

Claims 1-6, 8-10 and 12-13 are canceled.

Claim Rejections - 35 USC § 112

Claims 7 and 26-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

According to amended claim 7, all steps were labeled as (a), (b), (c), (d), (e) and (f) have been deleted. However, line 6 of the claim "repeating steps (a) and (b) for additional media records" referring back to the deleted steps (a) and (b). There is insufficient antecedent basis for this limitation in the claim.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9-10 and 13-14 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: referring to cancelled claim 8, transferring said configuration data to said electronic system; and referring to cancelled claim 12, transferring said configuration data to an electronic system, wherein said electronic system is capable of controlling one or more electronic devices.

Response to Arguments

Applicant's arguments with respect to claims 7, 11 and 15-37 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 34-35 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Van Ryzin et al. (US# 6,255,961).

Referring to claim 34, Ryzin et al. disclose a method of programming a remote control, wherein said remote control is capable of controlling at least one electronic device (col. 1 lines 40-48), said method comprising:

inputting at least one media data into the remote control, which is web enabled
(col. 5 lines 25-39);

transferring the media data from the remote control to a network operatively
coupled to a control station (col. 5 lines 25-39);

transferring the media data from the network to the control station (col. 5 lines
40-60);

the control station generating configuration data for the media data for use by the
remote control (col. 5 line 61 to col. 6 line 9);

the control station transferring the configuration data to the network (col. 5 lines
29-31; see Figure 3); and

the network transferring the configuration data to the remote control (col. 5 lines
45-50).

Referring to claim 35, Ryzin et al. disclose the method of claim 34, further
comprising:

the remote control using the configuration data to display a media guide, wherein
the configuration data determines at set of control signals that are transmitted by
the remote control to at least one electronic device based upon a media selection for
activating the media selection (col. 3 lines 34-44; see Figure 2);

selecting on the remote control a media program associated with the media
selection, wherein the media program is to be played by at least one electronic
device (col. 6 lines 20-30); and

transmitting a control signal from the remote control to the electronic device to

play the media program (col. 5 lines 55-60).

Referring to claim 37, RyZin et al. disclose the method of claim 34, wherein the network includes the Internet (col. 5 lines 30-50).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7,9-10,11,13-14-33 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Ryzin et al. (US# 6,255,961) in view of Guo et al. (US# 6,173,330).

Referring to claim 7, Van Ryzin et al. disclose a method of using a remote control multimedia content listing system, said method comprising the steps of:

- (a) entering a media record into said electronic system, wherein said electronic system is capable of controlling one or more electronic devices (col. 3 lines 60-67 and col. 4 lines 19-25);
 - (b) storing said media record within said electronic system (col. 4 lines 25-40);
- repeating step (a) and (b) for addition media media records;

uploading said media record to said control station (col. 5 lines 25-40);
determining an identity of media that corresponds with each said media record (col. 5 lines 25-40); and
generating a configuration data for said electronic system that allows said electronic system to display a media guide, and wherein said configuration data determines a set of control signals that are configured to be transmitted by said electronic system to at least one electronic device based upon a media selection for activating said media selection; transferring said configuration data to said electronic system (col. 5 lines 30-67).

(b) repeating steps (a) and (b) for additional media records (i.e. see Figure 6, Van Ryzin et al. disclose one or more artists can be selected between Mariah Carey and Chet Atkins. This indicates that the A/V system is capable of storing multiple media records.).

However, Van Ryzin et al. did not explicitly disclose automatically updating said configuration data if new configuration data is available; and automatically transferring said updated-configuration data to said electronic system if said electronic system is operatively coupled to said control station.

In the same field of endeavor of delivery entertainment data segment of Guo et al. disclose prior art that automatically transferring and updating data stream (col. 1 lines 48-67) and display the current entertainment information.

One skilled in the art recognizes that automatically transferring and updating data segment of Guo et al. is desirable in the entertainment system of Van Ryzin et al.

because Van Ryzin et al. disclose the remote control unit 20 communicate with PC 44 in a two-way fashion is that the PC is a very useful tool for controlling and programming the remote control unit 20. A further important benefit of having two-way communications between the remote control unit and the PC is that access to the Internet 46 (world wide web), and thus the wealth of information available on the Internet, is provided. Information on the Internet that may be of interest to a user of an A/V system includes TV listings with VCR+ codes and information about music CDs in the form of the CD TOC, a database containing such information as the number of tracks and length of each track on the CD. PC software would allow such databases to be browsed and pertinent information to be communicated from the PC to the remote control unit (col. 5 lines 26-39) and Guo et al. disclose the prior art that automatically transferring and updating the data stream in the receiver system (col. 1 lines 48-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include automatically transferring and updating data segment of Guo et al. in the entertainment system of Van Ryzin et al. with the motivation for doing so would allow the convenience of the user from manually transferring and updating the music entertainment data segment.

Referring to claim 11, Van Ryzin et al. disclose a method of using a remote control multimedia content listing system, said method comprising the steps of:

accessing a web page of a control station (col. 5 lines 25-40);

inputting media data into said web page (col. 5 lines 25-40); and

generation a configuration data for said electronic media data that allows said electronic system to display a media guide, for said media data, wherein said electronic system is configured to control one or more electronic devices; transferring said configuration data to said electronic system via network; said configuration data determining a set of control signals that are transmitted by said electronic system to at least one electronic device based upon a media selection for activating said media selection (col. 5 line 30 to col. 6 line 29).

However, Van Ryzin et al. did not explicitly disclose automatically updating said configuration data if new configuration data is available; and automatically transferring said updated-configuration data to said electronic system if said electronic system is operatively coupled to said control station.

In the same field of endeavor of delivery entertainment data segment of Guo et al. disclose prior art that automatically transferring and updating data stream (col. 1 lines 48-67) and display the current entertainment information.

Therefore, the obvious and motivation combining of Guo et al. into Van Ryzin et al. is similar as stated in claim 7 above.

Referring to claim 20, Van Ryzin et al. disclose a method of programming a remote control, wherein said remote control is capable of controlling at least one electronic device (col. 1 lines 40-48), said method comprising:

accessing a control station (col. 5 lines 25-40);

inputting at least one media data into said control station (col. 5 lines 25-40);

generating a configuration data by said control station for said remote control that allows said remote control to display a media guide, and wherein said configuration data determines what control signals are transmitted by said remote control to at least one electronic device based upon a media selection for activating said media selection (col. 5 lines 30-67);

transferring said configuration data to said remote control (col. 5 lines 53-56);

selecting a media event to be accessed upon at least one electronic device (col. 5 lines 57-60);

transmitting a control signal from said remote control to at least one electronic device to play said media event based upon said configuration data (col. 5 lines 57-60).

However, Van Ryzin et al. did not explicitly disclose automatically updating said configuration data if new configuration data is available; and automatically transferring said updated-configuration data to said remote control if said remote control is operatively coupled to said control station.

In the same field of endeavor of delivery entertainment data segment of Guo et al. disclose prior art that automatically transferring and updating data stream (col. 1 lines 48-67) and display the current entertainment information.

Therefore, the obvious and motivation combining of Guo et al. into Van Ryzin et al. is similar as stated in claim 7 above.

Referring to claims 9-10 are dependent on canceled claim 8 and claims 13-14 are dependent on canceled claim 12. Therefore, for the purposes of examination, claims 9-10 are assumed to be dependent upon claim 7 and claims 12-13 dependent upon claim 11.

Referring to claim 9, Van Ryzin et al. in view of Guo et al. disclose the method of using a remote control multimedia content listing system of claim 7, Van Ryzin et al. disclose storing said configuration data within said electronic system (col. 5 lines 53-56).

Referring to claim 10, Van Ryzin et al. in view of Guo et al. disclose the method of using a remote control multimedia content listing system of claim 7, Van Ryzin et al. disclose displaying said media guide upon said display (col. 5 lines 60-67*, see Figure 5-7).

Referring to claim 13, Van Ryzin et al. in view of Guo et al. disclose the method of using a remote control multimedia content listing system of claim 11, Van Ryzin et al. disclose storing said configuration data within said electronic system (col. 5 lines 53-56).

Referring to claim 14, Van Ryzin et al. in view of Guo et al. disclose the method of using a remote control multimedia content listing system of claim 11, Van Ryzin et al. disclose displaying said media guide upon said display within said remote control (col. 5 lines 60-67 and col. 7 lines 17-20;see Figures 5-7).

Referring to claims 15 and 23, Van Ryzin et al. in view of Guo et al. disclose the method of using a remote control multimedia content listing system of claims 11 and 20, Van Ryzin et al. disclose wherein said media guide includes a television guide (col. 5 lines 25-40).

Referring to claims 16 and 24, Van Ryzin et al. in view of Guo et al. disclose the method of using a remote control multimedia content listing system of claims 11 and 20, Van Ryzin et al. disclose wherein said media guide includes a music guide (col. 6 lines 10-30).

Referring to claims 17 and 25, Van Ryzin et al. in view of Guo et al. disclose the method of using a remote control multimedia content listing system of claims 16 and 24, Van Ryzin et al. disclose wherein said music guide is comprised of information relating to music media contained within a user's home stereo system (col. 6 lines 10-30).

Referring to claim 18, Van Ryzin et al. in view of Guo et al. disclose the method of using a remote control multimedia content listing system of claim 16, Van Ryzin et al.

disclose wherein said music guide is comprised of information relating to compact discs contain within a user's home stereo system (col. 6 lines 10-30).

Referring to claim 19, Van Ryzin et al. in view of Guo et al. disclose the method of using a remote control multimedia content listing system of claim 18, Van Ryzin et al. disclose including the steps of:

selecting a media event to be displayed or listened to by said user (col. 6 lines 10-30).

transmitting a control signal to an electronic device to play said media event (col. 5 lines 55-67).

Referring to claim 21, Van Ryzin et al. in view of Guo et al. disclose the method of using a remote control multimedia content listing system of claim 20, Van Ryzin et al. disclose including the step of:

storing said configuration data within said electronic system (col. 5 lines 53-56).

Referring to claim 22, Van Ryzin et al. in view of Guo et al. disclose the method of using a remote control multimedia content listing system of claims 13 and 20, Van Ryzin et al. disclose including the step of:

displaying said media guide upon said display within said remote control (col. 5 lines 60-67 and col. 7 lines 17-20; see Figures 5-7).

Referring to claim 26, Van Ryzin et al. in view of Guo et al. disclose the method of claim 7, Van Ryzin et al. disclose further comprising the electronic system issuing a warning for an upcoming media presentation associated with the media record (col. 4 lines 31-40) order for the user to identify on the display of the next ready string

Referring to claim 27, Van Ryzin et al. in view of Guo et al. disclose the method of claim 26, Van Ryzin et al. disclose wherein the media presentation is a television program (col. 5 lines 30-39).

Referring to claim 28, Van Ryzin et al. in view of Guo et al. disclose the method of claim 27, Van Ryzin et al. disclose wherein the step of entering a media record into the electronic system includes a user entering the media record into the electronic system using at least one of a keypad or keyboard in order to carryout the desire functions (col. 5 lines 5-67).

Referring to claim 29, Van Ryzin et al. in view of Guo et al. disclose the method of claim 7. The limitation of claim 29 is conventional wherein the mouse, the trackball, the keyboard, and jog switch are configured to control a pointer displayed on a screen on the electronic device.

Referring to claim 30, Van Ryzin et al. in view of Guo et al. disclose the method of claim 7, wherein the electronic system is web enabled, and wherein the step of

uploading includes uploading the media record from the electronic system to a network operatively coupled to the control station (col. 5 lines 25-40).

Referring to claim 31, Van Ryzin et al. in view of Guo et al. disclose the method of claim 30, wherein the electronic system is a remote control (20) (i.e. remote control unit) (col. 5 lines 25-40).

Referring to claim 32, Van Ryzin et al. in view of Guo et al. disclose the method of claim 11, further comprising the electronic system issuing a warning for an upcoming presentation of a media presentation associated with the media record (col. 5 lines 30-39).

Referring to claim 33, Van Ryzin et al. in view of Guo et al. disclose the method of claim 11, wherein the media presentation is a television program (col. 5 lines 30-39).

Referring to claim 36, Van Ryzin et al. disclose the method of claim 34. However, Van Ryzin et al. did not explicitly disclose automatically updating said configuration data if new configuration data is available; and transferring the updated-configuration data to remote control if the electronic system is operatively coupled to the network.

In the same field of endeavor of delivery entertainment data segment of Guo et al. disclose prior art that automatically transferring and updating data stream (col. 1 lines 48-67) and display the current entertainment information.

Therefore, the obvious and motivation combining of Guo et al. into Van Ryzin et al. is similar as stated in claim 7 above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Au whose telephone number is (571) 272-3063. The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached at (571) 272-3068. The fax phone

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numbers for the organization where this application or proceeding is assigned are (703)-872-9306.

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2635

A handwritten signature in black ink, appearing to read "Michael Horabik", written in a cursive style.